

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show “Roof Structure 16” in Fig. 5 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figure 1 is objected to for failing to illustrate “openings 34a and 34b”.

Claim Objections

Claims 4,5,6,7,8,9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should not refer to other claims in the alternative only, and/or, cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,3,10, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rooney (5,724,774).

Regarding 1 Claim 1, Rooney discloses a modular building system comprising:

- a. At least one wall section ((Column 4, Lines 60 –61), (Fig. 8, Item 16a))
- b. At least one roof section ((Column 4, Lines 60-61), (Fig. 8, Item 20))
- c. One wall section and one roof section that includes “interengaging projections and openings operable to link said sections together to form a composite structure. (Column 6, Lines 15-25)

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Regarding Claim 2 Rooney discloses a modular building system which comprises:

a. At least two wall sections, with one wall section for each of two sides of said roof section. (Fig. 8, Items 16a (Side wall panel), 16b (Side wall panel), 20 (Roof panel))

b. The two sections and one roof section forming a cell of the modular building system. ((Column 4, Lines 50-55), (Fig. 1, Item 12))

Regarding Claim 3 Rooney discloses a modular building system in which “end walls are provided and, with the roof section, have interengaging projections and openings to link the end walls and said at least one roof section together”.

(Column 7, Lines 30-35)

Regarding Claim 10 Rooney discloses a joint for a modular building system comprising at least “one prefabricated roof section.... to form a composite structure.”

Regarding Claim 11 Rooney discloses a method of forming a building comprising:

a. Forming at least one wall section (Column 3, Lines 38-41)

b. Forming at least one roof section (Column 3, Lines 38-41)

c. Tilting-up at least one wall section- This is considered inherent because the structure as disclosed by Rooney is a vertical structure thus requiring it to be

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positioned (considered to meet the broad recitation of “tilted”) in an upright position (see figures 1,8,15,16).

d. Temporarily supporting at least one wall section- (Temporary support of a wall during construction would be inherently performed when assembling the building of Rooney since Rooney clearly shows the building with the walls supported (see figures 1,8,15,16)).

e. Lifting the prefabricated roof section; and lowering the prefabricated roof section onto the wall section. (Column 7, Lines 28-35)

f. The “ wall section and roof section...a composite structure.” (Abstract)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett M. Brace whose telephone number is (571) 270-3732. The examiner can normally be reached on Monday-Friday, 8:00 a.m.-5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Baston can be reached on (571)272-2001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Victor Batson/

Vic Batson
Supervisory Patent Examiner,
Art Unit 4155

EMB